

Statement by Representative Edward J. Markey (D-MA)
House Floor Debate on H.R. 10, the "9/11 Commission Recommendations
Implementation Act"
October 7, 2004

I rise in opposition to H.R. 10.

This bill is nothing more than a cynical sham masquerading as reform. It purports to implement the recommendations of the 9/11 Commission, but it actually implements only 11 of the Commission's 41 recommendations. What was left off the table? The bill on the House Floor today:

- Fails to strengthen our efforts to prevent proliferation of nuclear weapons;
- Fails to give the National Intelligence Director sufficient authority over the budget and personnel of the intelligence agencies; and
- Fails to secure U.S. borders by integrating disparate screening systems;

H.R. 10 has numerous additional flaws: There is no requirement to screen all cargo being placed on airplanes to ensure they do not contain explosives. There are NO whistleblower protections for TSA baggage screeners or employees of the FBI and the CIA who are retaliated against for disclosing security problems to their supervisors. Any reorganization of the intelligence community is rendered meaningless by the failure to protect modern day Paul Reveres like Coleen Rowley and Sibel Edmonds when they blow the whistle. An amendment offered by Mr. Nadler to increase the security of nuclear facilities and shipments of extremely hazardous materials that was actually ACCEPTED during the Judiciary Committee markup was inexplicably removed by the Rules Committee.

What was added to the bill? Dozens of pages of extraneous material that have nothing to do with anything that the 9/11 Commission recommended. The underlying bill actually contains a provision that would authorize the outsourcing of torture and limit any judicial review of this process! That's right – in this bill – H.R. 10 – the House Republican leadership would actually make it easier for certain foreign persons to be sent to countries where they would be tortured in interrogations. I call this the Abu Ghraib—by—Proxy provision.

It's outrageous that these provisions have been snuck into the 9/11 bill behind closed doors when the 9/11 Commission specifically called for the United States to "offer an example of moral leadership in the world, committed to treat people humanely, abide by the law..." Nothing could be farther from the 9/11 Commission's intent when it issued this recommendation.

Where does the Bush Administration stand on this Abu Ghraib? The White House's Legal Counsel sent a letter to the Washington Post saying that the Administration *does not* support these provisions in this bill.

Earlier this year I introduced H.R. 4674, a bill that would explicitly bar the U.S. from deporting, extraditing, or otherwise rendering persons to foreign nations known to engage in

the practice of torture. If we really want to implement the 9/11 Commission recommendations, we would be including this type of proposal in the bill before us today. I asked the Rules Committee to approve an open Rule that would allow me to do this, but they refused.

What the Rules Committee did approve was a Rule that makes in order an amendment by the Gentleman from Indiana (Mr. Hostettler). What does the Hostettler amendment do? It would rely on "diplomatic assurances" that detainees would not be tortured. We should not be trusting "diplomatic assurances" from torturers that they won't engage in torture.

Both H.R. 10 and the proposed Hostettler amendment would legitimize the practice of sending suspected terrorists to other countries to be tortured. That is wrong.

I urge a NO vote on H.R. 10, and a NO vote on the Hostettler amendment.